

AMENDED IN ASSEMBLY APRIL 9, 2014

AMENDED IN ASSEMBLY MARCH 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1545

Introduced by Assembly Member Gray

January 23, 2014

An act to amend ~~Sections 27570 and 28000~~ *Section 27570* of, to amend, repeal, and add *Section 28000* of, and to add and repeal *Section 27965* to, of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 1545, as amended, Gray. Firearms: ownership.

Existing law generally regulates the ownership and transfer of firearms. Existing law requires the Attorney General to maintain a registry of specified information concerning the sale, lease, or transfer of firearms, and to include in the registry specified data provided to the Department of Justice. Existing law also authorizes a person who is exempt from specified registration requirements or who moves out of state to report information regarding the acquisition, ownership, destruction, or disposal of a firearm to the Department of Justice in a format prescribed by the department.

Existing law also requires every firearms dealer to maintain a register or record of electronic transfer of firearms, except as specified, in a form prescribed by the department, including, among other information, the name, occupation, and gender of the purchaser. Existing law requires both parties to the sale, loan, or transfer of a firearm to complete the transaction through a licensed firearms dealer, as specified, if neither party to the transaction holds a dealer's license.

This bill would, *until January 1, 2019*, create an exemption from this requirement to complete a firearms transaction through a licensed dealer for a person who *obtains the firearm through a private party transfer prior to January 1, 2015*, and reports his or her ownership of a firearm to the department. The bill would require the department to register the firearm within 30 days of the receipt of the report, subject to specified restrictions. ~~The bill would also apply those restrictions to a person who is exempt under existing law from the requirement to complete a firearms transaction through a licensed firearms dealer or who moves out of state with the firearm.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27570 of the Penal Code is amended to
2 read:
3 27570. (a) It is the intent of the Legislature that a violation of
4 Section 27560 or 27565 shall not constitute a “continuing offense”
5 and the statute of limitations for commencing a prosecution for a
6 violation of Section 27560 or 27565 commences on the date that
7 the applicable grace period specified in Section 27560 or 27565
8 expires.
9 (b) Sections 27560 and 27565 shall not apply to a person who
10 reports ownership of a firearm after the applicable grace period
11 specified in Section 27560 or 27565 expires if evidence of that
12 violation arises only as the result of the person submitting the
13 report described in Section 27560 or 27565.
14 (c) Section 27545 shall not apply to a person who reports
15 ownership of a firearm pursuant to subdivision (b) of Section 28000
16 if evidence of that violation arises only as the result of the person
17 submitting the report described in that subdivision.
18 SEC. 2. Section 27965 is added to the Penal Code, to read:
19 27965. (a) Section 27545 does not apply to the receipt,
20 purchase, or other acquisition of ownership of a firearm by a person
21 *through a private party transfer before January 1, 2015*, who
22 reports his or her ownership of that firearm to the Department of
23 Justice pursuant to subdivision (b) of Section ~~28000~~ *and who is*
24 ~~listed with the Department of Justice pursuant to Section 11106~~
25 ~~as the registered owner of the firearm.~~ *28000.*

1 ***(b) This section shall remain in effect only until January 1, 2019,***
2 ***and as of that date is repealed, unless a later enacted statute, that***
3 ***is enacted before January 1, 2019, deletes or extends that date.***

4 SEC. 3. Section 28000 of the Penal Code is amended to read:

5 28000. (a) Except as provided in subdivision (b), a person
6 who is exempt from Section 27545 or is otherwise not required
7 by law to report acquisition, ownership, destruction, or disposal
8 of a firearm, or who moves out of this state with the person's
9 firearm, may report that information to the Department of Justice
10 in a format prescribed by the department.

11 (b) (1) This subdivision applies only to an individual who
12 *acquired a firearm through a private party transfer before January*
13 ***1, 2015, and who*** reports his or her ownership of a firearm to the
14 Department of Justice and states that his or her receipt, purchase,
15 or other acquisition of the firearm is exempt from the requirements
16 of Section 27545 pursuant to Section 27965.

17 (2) A person described in paragraph (1) shall report his or her
18 ownership of a firearm in accordance with the procedures of and
19 in a format prescribed by the department.

20 (3) Unless subdivision (c) applies, firearms shall be registered
21 in accordance with this section within 30 days of the receipt of the
22 report described in paragraph (2) by the department and all fees
23 required by paragraph (3) of subdivision (a) of Section 28230.

24 (c) A firearm that is reported pursuant to subdivision (a) or (b)
25 shall not be entered into the registry specified in Section 11106 as
26 being registered to the person making the report if any of the
27 following applies:

28 (1) The person is prohibited by state or federal law from
29 possessing, receiving, owning, or purchasing a firearm.

30 (2) All fees required by paragraph (3) of subdivision (a) of
31 Section 28230 have not been paid.

32 (3) The firearm is any of the following:

33 (A) Prohibited by Section 16590.

34 (B) An assault weapon as defined in Section 30510 or 30515.

35 (C) A machinegun as defined in Section 16880.

36 (D) A .50 BMG rifle as defined in Section 30530.

37 (E) A destructive device as defined in Section 16460.

38 (4) The person is a minor.

39 (5) The firearm has been reported lost or stolen pursuant to
40 Section 11108.

(d) If a firearm is reported pursuant to subdivision (b), in addition to the restrictions set forth in subdivision (c), the firearm shall not be entered into the registry specified in Section 11106 as being registered to that person making the report unless:

(1) If the firearm is a handgun, either of the following applies:

(A) The person has either a valid firearm safety certificate or an unexpired handgun safety certificate.

(B) The person is exempt from the requirement to have a valid firearm safety certificate to purchase or receive a firearm.

(2) If the firearm is not a handgun, either of the following applies:

(A) The person has a valid firearm safety certificate or an unexpired handgun safety certificate.

(B) The person is exempt from the requirement to have a valid firearm safety certificate to purchase or receive a firearm.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 4. Section 28000 is added to the Penal Code, to read:

28000. (a) A person who is exempt from Section 27545 or is otherwise not required by law to report the acquisition, ownership, destruction, or disposal of a firearm, or who moves out of this state with the person's firearm, may report that information to the Department of Justice in a format prescribed by the department.

(b) A firearm that is reported pursuant to subdivision (a) shall not be entered into the registry specified in Section 11106 as being registered to the person making the report if any of the following applies:

(1) The person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) All fees required by paragraph (3) of subdivision (a) of Section 28230 have not been paid.

(3) The firearm is any of the following:

(A) Prohibited by Section 16590.

(B) An assault weapon as defined in Section 30510 or 30515.

(C) A machinegun as defined in Section 16880.

(D) A .50 BMG rifle as defined in Section 30530.

(E) A destructive device as defined in Section 16460.

(4) The person is a minor.

- 1 (5) *The firearm has been reported lost or stolen pursuant to*
- 2 *Section 11108.*
- 3 (c) *This section shall become operative on January 1, 2019.*

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